

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HOLLY MARIE HUMMEL, on behalf of herself
and others similarly situated,

Plaintiff,

-against-

ASTRAZENECA PHARMACEUTICALS LP,

Defendants.

Civil Action No.: 07-CV-5473 (VM)

**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case is to be tried by a jury.
2. Joinder of additional Named parties to be accomplished by November 9, 2007.
3. Amended pleadings may be filed without leave of the Court until November 9, 2007.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed not later than November 9, 2007.
5. All fact discovery is to be completed as follows:
 - a. The parties' discovery shall proceed in stages, with a preliminary stage of discovery relating to class certification issues (with the caveat that certification related discovery may overlap to a degree with merits based discovery) and to the merits of Plaintiff's individual claims ("Stage 1 discovery").
 - b. Stage 1 discovery shall be completed by April 30, 2008, with the caveat that, to the extent either party submits declarations of witnesses in connection with a motion for class certification or motion for summary judgment, whichever the case may be, who have not previously been identified, the opposing party may depose any such witnesses after April 30, 2008 and before responding to the motion in question.
 - c. After the Court rules on motions for class certification and/or summary judgment, and assuming the case continues beyond such ruling[s], the parties shall engage in a final stage of discovery to encompass merits and damages issues generally ("Stage 2 discovery").

6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by November 2, 2007.
 - b. Initial interrogatories to be served by all parties by November 2, 2007.
 - c. Depositions to be completed by April 30, 2008 (subject to 5b, above).
 - (i) Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - (ii) Depositions of all parties shall proceed at the same time.
 - (iii) Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date: After the Court rules on motions for class certification and/or summary judgment, and assuming the case survives, the parties shall reconvene for a second Rule 26(f) conference to readdress all Rule 26(f) and Rule 16 topics. The parties will then submit a supplemental Rule 26 report and proposed Scheduling Order and Case Management Plan and will seek a second Rule 16 conference with the Court.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by (for Stage 1 discovery only):
 - a. Plaintiff: February 28, 2008.
 - b. Defendant: April 15, 2008.
8. Contemplated Motions:

With respect to Stage 1 discovery (see 6d above with respect to Stage 2 discovery):

 - a. Plaintiff shall file a motion for class certification by May 30, 2008.
 - b. Defendant may file a motion for summary judgment by May 30, 2008.
 - c. Plaintiff may file a motion for summary judgment by May 30, 2008.

- d. With respect to both Plaintiff's motion for class certification and summary judgment and Defendant's motion for summary judgment, the opposing party shall have 45 calendar days after service of the motion to file and serve its opposition, and the movant shall have 30 calendar days after the service of such opposition to file and serve its reply.
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than May 16 2008.
10. The parties do not consent to trial by a Magistrate Judge.

TO BE COMPLETED BY THE COURT:

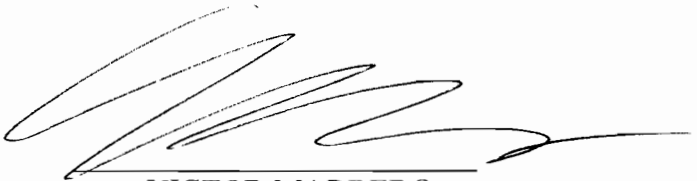
11. The next Case Management Conference is scheduled for 5-23-08 at 2:00 p.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York
19 October 2007



VICTOR MARRERO
U.S.D.J.